

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT

CASE NO. C18-0124JLR-BAT

Petitioner,

ORDER ADOPTING REPORT AND RECOMMENDATION

SJAN TALBOT,

Respondent.

I. INTRODUCTION

This matter comes before the court on the Report and Recommendation of Chief United States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 18)) and Petitioner Edward Roy Scott's objections thereto (Objections (Dkt. # 19)). Having carefully reviewed those documents, along with all other relevant portions of the record and the applicable law, the court ADOPTS the Report and Recommendation (Dkt. # 18).

II. STANDARD OF REVIEW

2 A district court has jurisdiction to review a Magistrate Judge's report and
3 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must
4 determine de novo any part of the magistrate judge's disposition that has been properly
5 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part,
6 the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).
7 The court reviews de novo those portions of the report and recommendation to which
8 specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
9 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review
10 the magistrate judge's findings and recommendations de novo if objection is made, but
11 not otherwise." *Id.*

III. DISCUSSION

13 The court has reviewed Mr. Scott’s 28 U.S.C. § 2254 habeas petition and the
14 underlying state court ruling (Dkt. # 1); his motion to amend the petition (Dkt. # 14); his
15 objections to the Report and Recommendation (Dkt. # 19); and Respondent Sjan Talbot’s
16 response to the objections (Dkt. # 20). Mr. Scott’s objections do not raise any novel issue
17 that was not addressed by Magistrate Judge Tsuchida’s Report and Recommendation.
18 Moreover, the court has thoroughly examined the full record and finds the Chief
19 Magistrate Judge’s reasoning persuasive in light of that record. Accordingly, the court
20 independently rejects the arguments Mr. Scott makes in his objections for the same
21 reasons as Chief Magistrate Judge Tsuchida did.

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IV. CONCLUSION

2 For the foregoing reasons, the court ADOPTS the Report and Recommendation
3 (Dkt. # 18) in its entirety. Mr. Scott's 28 U.S.C. § 2254 habeas petition is DENIED, and
4 this case is DISMISSED with prejudice. The court DENIES Mr. Scott issuance of a
5 certificate of appealability. The court further DIRECTS the Clerk to send a copy of this
6 order to the parties and to Chief Magistrate Judge Tsuchida.

Dated this 12 day of July, 2018.

JAMES L. ROBART
United States District Judge